

Exhibit A

IN DISTRICT COURT
COUNTY OF DUNN
STATE OF NORTH DAKOTA
SOUTHWEST JUDICIAL DISTRICT

David Papenhausen, Plaintiff, v. ConocoPhillips Company, and Burlington Resources Oil & Gas Company LP, individually, and d/b/a Burlington Resources Oil & Gas LP, Defendants.	Case No. 13-2020-CV-00052
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Complaint

¶1 Plaintiff, by his attorney of record, for his causes of action against the above-named defendants, states and alleges as follows:

PARTIES

¶2 Plaintiff David Papenhausen (hereinafter "Papenhausen") is currently a resident of the City of Dickinson, County of Stark and State of North Dakota.

¶3 Defendant ConocoPhillips Company. ("ConocoPhillips") is a Delaware corporation doing business in the State of Texas, with its principal place of business in the City of Houston, County of Harris, State of Texas, and doing business, engaging in business, and transacting business in the State of North Dakota. Additionally, ConocoPhillips is registered with the North Dakota Secretary of State. ConocoPhillips' business services included oil and gas exploration and production.

¶4 Defendant Burlington Resources Oil & Gas Company LP, individually, and d/b/a Burlington Resources Oil & Gas LP (hereinafter collectively “Burlington Resources”) is a Delaware corporation doing business in the State of Texas, with its principal place of business in the City of Houston, County of Harris, State of Texas, and doing business, engaging in business and transacting business in the State of North Dakota. Additionally, Burlington Resources is registered with the North Dakota Secretary of State.

JURISDICTION

¶6 This Court has jurisdiction over this cause of action as all the events giving rise to it arose in this jurisdiction. Plaintiff initiates suit under the laws and statutes of the State of North Dakota to recover for the serious personal injuries sustained resulting from the defendants’ negligence.

VENUE

¶7 The incident that makes the basis of this action occurred in the County of Dunn, near the City of Manning and in the State of North Dakota.

FACTUAL BACKGROUND

¶8 On or about March 15, 2020 Papenhausen was employed as a water truck driver for MBI Energy Services (hereinafter “MBI”). On the day of the incident, Papenhausen was engaged in that capacity at a ConocoPhillips well site identified as the *Bartlett 11 -16TFH* in the County of Dunn, near the City of Manning and in the State of North Dakota. Papenhausen and MBI was engaged to pull production water off a completed well site. Papenhausen parked his tractor trailer

rig in the designated area in front of the tank battery. After exiting the tractor trailer rig, Papenhausen was walking toward the tank battery to perform the required tasks when his foot and leg broke through a crust of ice and snow and Papenhausen fell in a trench/hole which was approximately twenty (20) inches deep. The trench/hole was hidden from sight by the crust of ice and snow.

¶9 As a direct result of the forces involved in the fall into the trench/hole, Papenhausen sustained multiple severe injuries including but not limited to injuries of the knee and hip and corresponding tendon and joint damages.

CAUSES OF ACTION

NEGLIGENCE & RESPONDEAT SUPERIOR

¶10 Plaintiff repeats and incorporates by reference all other paragraphs of this complaint as if fully set forth herein.

¶11 ConocoPhillips and Burlington Resources were the owners/in possession and control of the *Bartlett 11 -16TFH* well located in Dunn County, North Dakota.

¶12 Plaintiff was an employee of MBI Energy Services during the time of the incident and on defendants' premises with defendants' knowledge and for their benefit.

¶13 A condition on defendants' premises posed an unreasonable risk of harm because the trench/hole where the incident occurred was not marked, lacked proper signage, and lacked safe crossing.

¶14 Defendants knew or reasonably should have known of the condition of the premises. Defendants had a duty to use ordinary care to ensure that the premises did not present a danger to

Plaintiff. This duty includes the duty to inspect and the duty to warn and cure. Defendants breached the duty of ordinary care in one or more of the following respects:

- a. failing to warn the Plaintiff of the condition;
- b. failing to adequately mark the unsafe condition;
- c. failing to make the condition reasonably safe;

¶15 As described herein, Defendants were negligent on the occasion in question and such negligence was proximate cause of Plaintiff's injuries and damages.

¶16 Each of the acts or omissions, whether taken singularly or in any combination constitutes negligence, negligence per se, and gross negligence which proximately caused the incident and injuries and other losses specifically set forth herein, all of which plaintiff suffered and which he will suffer in the future, if not for the remainder of his natural life, and the damages and other losses to the Plaintiff.

¶17 The above acts and/or omissions were singularly and cumulatively proximate cause of the occurrence in question and the resulting injuries and damages sustained by Plaintiff.

Premises Liability

¶18 Plaintiff repeats and incorporates herein the factual allegations stated above as if fully set out and repeated at length.

¶19 The Defendants' acts and omissions constitute a breach of the duty or ordinary care owed by the Defendants to Plaintiff. Furthermore, the Defendants knew or should have known that the

condition of the premises created an unreasonable risk of harm to Plaintiff in one or more, but not limited to, the following ways:

- A. Failing to use reasonable care to inspect and maintain the premises for Papenhausen.
- B. Failing to use reasonable care to ensure that the well site was safe;
- C. Failing to adequately warn Papenhausen of the dangerous conditions present at the site of the incident;
- D. Failing to exercise its executive role in ensuring that safety procedures and policies were followed at the site;
- E. Failing to inspect the work of its employees to ensure that proper safety policies and procedures were followed;
- F. Failing to ensure against the presence of trenches was known to Papenhausen;
- G. Failing to implement appropriate safety procedures in the operation; and
- H. Failing to maintain adequate egress and ingress on the well site.

¶20 As a direct and proximate consequence of the negligence and premises liability of defendants and its employees, Papenhausen suffered permanent physical and emotional damages in an amount to be monetized at trial.

DAMAGES

¶21 Plaintiff repeats and incorporates by reference all other paragraphs of this complaint as if fully set forth herein.

¶22 As a direct and proximate result of defendant's negligent, and grossly negligent acts and/or omissions described above, plaintiff suffered substantial injuries and damages for which they seek recovery in an amount that the jury determines to be fair and reasonable, including the following damages:

- A. **Past & Future Medical Expenses:** Plaintiff incurred bodily injuries, which were caused by the incident in question and will, in reasonable probability, continue to incur reasonable and necessary medical expenses in the future.
- B. **Past & Future Physical Pain:** Plaintiff suffered physical pain in the past and, in reasonable probability, will continue to sustain physical pain in the future.
- C. **Past & Future Mental Anguish:** Plaintiff has endured mental anguish in the past and will, in reasonable probability, endure mental anguish in the future.
- D. **Past & Future Loss of Earning/Earning Capacity:** Plaintiff has suffered a loss of earning and/or sustained a loss of earning capacity in the past and will, in reasonable probability, sustain the same in the future.
- E. **Past & Future Physical Impairment:** Plaintiff sustained physical impairment in the past and will continue, in reasonable probability, to sustain physical impairment in the future.

¶23 All conditions precedent to plaintiff's right to recover the relief sought herein have occurred or have been performed.

¶24 WHEREFORE, the Plaintiff, individually, demands judgment against the defendants individually, in a reasonable sum in excess of Fifty thousand (\$50,000.00) Dollars, together with costs and disbursements herein, including pre-judgment interest as may be allowed by applicable law and further relief as the Court may deem just and proper. Plaintiff additionally, demands a trial by jury.

Dated this 2nd day of June, 2020.

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By: /s/ Jeffrey S. Weikum
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By: /s/ Justin L. Williams
Justin L. Williams
ND Lic. No. 08347

ATTORNEYS FOR PLAINTIFF

IN DISTRICT COURT
COUNTY OF DUNN
STATE OF NORTH DAKOTA
SOUTHWEST JUDICIAL DISTRICT

David Papenhausen Plaintiff, v. ConocoPhillips Company, and Burlington Resources Oil & Gas Company LP, individually, and d/b/a Burlington Resources Oil & Gas LP, Defendants.	CASE NO. 13-2020-CV-00052
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Summons

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT:

¶1 You are hereby summoned and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving upon the undersigned an answer or other proper response within twenty-one (21) days after the service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

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Dated this 2nd day of June, 2020.

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By: /s/ Justin L. Williams
Justin L. Williams
ND Lic. No.: 08347

ATTORNEY FOR PLAINTIFF



13-2020-CV-00052

Notice of Service of Process

Transmittal Number: 21583542
Date Processed: 06/05/2020

Primary Contact: Lisa T. Webster
ConocoPhillips
925 N Eldridge Pkwy
Houston, TX 77079-2703

Electronic copy provided to: Pamela Jenkins

Entity:	ConocoPhillips Company Entity ID Number 0013132
Entity Served:	ConocoPhillips Company
Title of Action:	David Papenhausen vs. Conocophillips Company
Matter Name/ID:	David Papenhausen vs. ConocoPhillips Company (10284914)
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Dunn County District Court, ND
Case/Reference No:	Not Shown
Jurisdiction Served:	North Dakota
Date Served on CSC:	06/04/2020
Answer or Appearance Due:	21 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Jeffrey S. Weikum 701-250-1369

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com



13-2020-CV-00052

Transmittal Number: 21583390
Date Processed: 06/05/2020

Notice of Service of Process

Primary Contact: Lisa T. Webster
ConocoPhillips
925 N Eldridge Pkwy
Houston, TX 77079-2703

Electronic copy provided to: Pamela Jenkins

Entity:	Burlington Resources Oil & Gas Company LP Entity ID Number 2584877
Entity Served:	Burlington Resources Oil & Gas Company LP (dba Burlington Resources Oil & Gas LP)
Title of Action:	David Papenhausen vs. ConocoPhillips Company
Matter Name/ID:	David Papenhausen vs. ConocoPhillips Company (10284914)
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Dunn County District Court, ND
Case/Reference No:	Not Shown
Jurisdiction Served:	North Dakota
Date Served on CSC:	06/04/2020
Answer or Appearance Due:	21 Days
Originally Served On:	Secretary of State in ND on 06/04/2020
How Served:	Personal Service
Sender Information:	Jeffrey S. Weikum 701-250-1369

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Demand for Jury

¶1 Plaintiff requests a trial by jury of the statutory minimum number of jurors on all issues of fact.

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Dated this 2nd day of June, 2020.

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SOUTHWEST JUDICIAL DISTRICT

David Papenhausen,

Plaintiff,

vs.

ConocoPhillips Company, and
Burlington Resources Oil & Gas Company
LP, individually, and d/b/a Burlington
Resources Oil & Gas LP,

Defendants.

) Civil No.

) 13-2020-CV-00052

) **NOTICE OF FILING OF**
) **SUMMONS AND COMPLAINT**

TO: PLAINTIFF DAVID PAPENHAUSEN

PLEASE TAKE NOTICE that pursuant to Rule 5(d)(2)(iv), N.D.R.Civ.P., defendants have
filed the summons and complaint in the above-captioned matter.

Dated this 30th day of June, 2020.

Pearce Durick PLLC

By Jack E. Zuger

JACK E. ZUGER, ND #06987

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314 E. Thayer Avenue

P. O. Box 400

Bismarck, ND 58502-0400

(701) 223-2890

Attorney for Defendants

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF DUNN

SOUTHWEST JUDICIAL DISTRICT

David Papenhausen,

Plaintiff,

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ConocoPhillips Company, and
Burlington Resources Oil & Gas Company
LP, individually, and d/b/a Burlington
Resources Oil & Gas LP,

Defendants.

Civil No.

13-2020-CV-00052

CERTIFICATE OF SERVICE

I certify that on June 30, 2020, true and accurate copies of the following documents:

1. Complaint;
2. Summons;
3. Notice of Service of Process on ConocoPhillips Company;
4. Notice of Service of Process on Burlington Resources Oil & Gas Company LP d/b/a Burlington Resources Oil & Gas LP;
5. Demand for Jury; and
6. Notice of Filing of Summons and Complaint

were filed electronically with the Clerk of Court through Odyssey File & Serve and served by electronic transmission upon the following:

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Attorney for Plaintiff

Justin L. Williams
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service@williamstrial.com
Attorney for Plaintiff

Dated this 30th day of June, 2020.

Pearce Durick PLLC

By /s/ Jack E. Zuger

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